

RCMP EXTERNAL REVIEW COMMITTEE

**2009-2010
Estimates**

Report on Plans and Priorities

Approved

The Honourable Peter Van Loan, P.C., M.P.
Minister of Public Safety
(Public Safety and Emergency Preparedness)

Table of Contents

Chair's Message	<u>1</u>
Section I: Departmental Overview	<u>2</u>
Raison d'être	<u>2</u>
Responsibilities	<u>2</u>
Strategic Outcome and Program Activity Architecture (PAA)	<u>3</u>
Planning Summary	<u>3</u>
Summary Table	<u>4</u>
Contribution of Priorities to Strategic Outcome	<u>5</u>
Risk Analysis	<u>6</u>
Expenditure Profile	<u>7</u>
Section II - Analysis of Program Activities by Strategic Outcome	<u>9</u>
Strategic Outcome	<u>9</u>
Analysis by Program Activity	<u>9</u>
Planning Highlights	<u>12</u>
Planning Highlights by Priority	<u>13</u>
Section III - Supplementary Information	<u>16</u>
References	<u>16</u>

Chair's Message

The RCMP External Review Committee ("Committee") reviews grievance, disciplinary and discharge and demotion cases that are referred to it by the RCMP Commissioner, and provides findings and recommendations to assist the RCMP Commissioner in making decisions that are fair and well-informed. In doing this, the Committee aims to positively influence the manner in which labour relations issues are addressed within the RCMP.

The Committee has two program activities: independent and impartial case review, and outreach and information dissemination. In light of activities around the RCMP's governance structures, including the *Report of the Standing Committee on Public Accounts* and the *2007 Report of the Task Force on Governance and Cultural Change in the RCMP*, the Committee's unique expertise is of significance. The Committee continues to participate substantially and meaningfully in the way forward to making the RCMP a stronger, more accountable and modern organization.

The Committee's focus is always on providing timely quality case reviews. Minimizing corporate risks and ensuring accountability and transparency in all of the Committee's work is also paramount to overall program integrity. The priority for 2009-2010 will be to stabilize the organization and its corporate infrastructure so that it may continue to support government-wide accountability priorities.

I look forward to the challenges that lie ahead, and I am very appreciative of the commitment and enthusiasm of all of the Committee staff.

Sincerely,

Catherine Ebbs
Chair

February 2, 2009

Section I: Departmental Overview

Raison d'être

The RCMP External Review Committee ("ERC" or "Committee") is an independent and impartial agency that aims to promote fair and equitable labour relations within the RCMP, in accordance with applicable principles of law. To this end the Committee conducts an independent review of appeals in disciplinary, and discharge and demotion matters, as well as certain categories of grievances that are referred to it pursuant to s. 33 of the *RCMP Act* and s. 36 of the *RCMP Regulations*.

The Committee reports directly to Parliament through the Minister of Public Safety. The Committee has a single member, the Chairperson, who is appointed by an Order in Council, and is supported by an Executive Director and a very small staff. The ERC's jurisdiction is restricted to labour matters that relate to regular members and civilian members of the RCMP only. Public servants employed by the RCMP have separate labour relations processes. Given that RCMP members are non-unionized, the role of the ERC in the Force's labour/management resolution process is a crucial one. Over the years, the RCMP has made changes in a variety of areas based on recommendations made by the ERC; these include policy changes with regard to medical discharge, suspension without pay, and harassment.

As one of two oversight/review bodies over the RCMP, the ERC plays an important role in maintaining public confidence in the RCMP and ensures that it respects the law and human rights.

Responsibilities

The ERC is within the portfolio of the Department of Public Safety whose Minister is the appropriate Minister responsible for the purposes of the *Financial Administration Act*. The Committee's mandate is simply stated as the independent and impartial review of grievances and cases that involve the discipline, demotion or discharge of RCMP members. Upon completing its review of a case, the ERC presents findings and recommendations to the Commissioner of the RCMP for a final decision. The Commissioner is not bound by the recommendations of the ERC, but the Commissioner must provide reasons when there is disagreement with the recommendations of the ERC. In carrying out its mandate, the ERC ensures that its recommendations are solidly grounded in law and that members of the RCMP are treated in a fair and equitable manner, in keeping with the public interest.

Strategic Outcome and Program Activity Architecture (PAA)

Strategic Outcome

The RCMP External Review Committee aims to positively influence the manner in which labour relations issues are addressed within the RCMP.

Program Activity Architecture

Title	Description
SO-1 - Strategic Outcome	The RCMP External Review Committee aims to positively influence the manner in which labour relations issues are addressed within the RCMP.
PA-1 - Independent and impartial case review	Independent, timely, fair and impartial case review leading to the provision of quality findings and recommendations in all cases referred to the Committee.
PA-2 - Internal Services	Groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization.
PA-3 - Outreach and information dissemination	Outreach to Canadians and members of the RCMP along with dissemination of information on the role of the Committee and its findings and recommendations, as well as on relevant legal principles.

Planning Summary

Financial Resources (\$ thousands)

2009-10	2010-11	2011-12
1,074	1,074	1,074

Human Resources (Full-Time Equivalent - FTE)

2009-10	2010-11	2011-12
8	8	8*

* Two of the 8 FTE's will be funded for only 9/12th's of fiscal year 2011-12

Summary Table

Strategic Outcome: The RCMP External Review Committee aims to positively influence the manner in which labour relations issues are addressed within the RCMP.					
Performance Indicators			Targets		
Issuance of findings and recommendations to the RCMP Commissioner and the parties			100%		
Information to the public and the RCMP			100%		
Program Activity	Forecast Spending 2008-09 (\$thousands)	Planned Spending (\$thousands)			Alignment to Government of Canada Outcomes
		2009-10	2010-11	2011-12	
Independent and impartial case review	1,189	753	753	753	The Strategic Outcome of the RCMP External Review Committee supports all government outcomes: 1. Economic Affairs - Income security and employment for Canadians; - Strong economic growth; - A fair and secure marketplace. 2. Social Affairs - Healthy Canadians; - Safe and secure communities; - A diverse society that promotes linguistic duality and social inclusion; - A vibrant Canadian culture and heritage. 3. International Affairs - A safe and secure world through international cooperation. 4. Government Affairs - Public Service Excellence
Internal Services	-	214	214	214	
Outreach and dissemination of information	296	107	107	107	
Total Planned Spending	1,485	1,074	1,074	1,074	
Plus: Services Received without Charge	181	173	173	173	
Total Committee Spending	1,666	1,247	1,247	1,247	

Contribution of Priorities to Strategic Outcome

Operational and Management Priorities	Type	Link to Strategic Outcome	Description
1. Continue to deliver on statutory mandate	Ongoing	The RCMP External Review Committee aims to positively influence the manner in which labour relations issues are addressed within the RCMP.	Why is this a priority? Contributes to the Committee's overriding priority to review cases and make sound recommendations to the RCMP Commissioner in an expeditious manner
			Plans for meeting the priority: Longer-term strategic planning and streamlining of processes is planned for the future to continue to improve on service delivery
2. Raise awareness through Outreach	Ongoing	The RCMP External Review Committee aims to positively influence the manner in which labour relations issues are addressed within the RCMP.	Why is this a priority? Educational role the Committee plays contributes in a proactive way to a better understanding of grievance administration and discipline, and discharge and demotion appeals
			Plans for meeting the priority: Provide key stakeholders with information on process, findings and recommendations of the Committee, provide training where possible on labour relations, and engage the RCMP to further develop its governance framework
3. Continue to improve on the corporate management framework and infrastructure	Ongoing	The RCMP External Review Committee aims to positively influence the manner in which labour relations issues are addressed within the RCMP.	Why is this a priority? Committee remains committed to meeting government-wide management and accountability priorities
			Plans for meeting the priority: Stabilize corporate management framework and infrastructure based on available resources. Continue to develop MOUs for IM/IT, HR, and transactional financial support
4. Continue to invest in our people	Ongoing	The RCMP External Review Committee aims to positively influence the manner in which labour relations issues are addressed within the RCMP.	Why is this a priority? Committee places a priority on integrating the vision and intent of Public Service Renewal into its day-to-day activities
			Plans for meeting the priority: Provide time and resources towards training and education that enhance existing skills and contribute toward current capacity building, and longer term career objectives of staff

Risk Analysis

Risk: Temporary funding was secured in 2006-07 to help alleviate the critical backlog of cases before the ERC. This funding envelope began to sunset in December 2008 and closes in 2011-12. A second amount was secured in 2007-08 to accommodate and address corporate management and operational pressures. This second funding envelope closed at the end of the 2008-09 fiscal year. As of yet, the Committee has not secured funding required to permanently address corporate management funding pressures. Should funding not be made available to the ERC, the ability of the Committee to respond to its priorities, such as reviewing case files and responding to requests for information will suffer, and productivity may be affected on an organization-wide level.

Analysis: Given the nature and unpredictability of the labour issues within the RCMP, the ERC has no control over the number of cases that are referred to it from year to year. Similarly, there can be great variance in the level of complexity of the cases it receives. Despite this, the ERC has attempted to estimate the amount of time it requires, on average, to process each type of case brought before it. For grievances, the ERC estimates that approximately three months is required for the completion of a grievance review. For disciplinary, and discharge and demotion cases, the time frame is approximately six months.

In recent years, the number of cases received has varied somewhat as follows:

Category	2004-05	2005-06	2006-07	2007-08
Grievances	32	51	30	38
Disciplinary Appeals	11	10	4	3
Discharge and Demotion Appeals	0	1	0	0

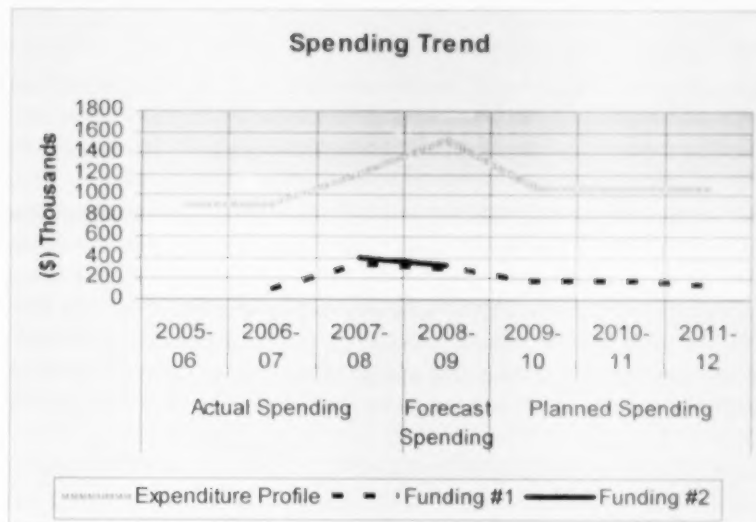
In addition to case reviews, the ERC workload also includes significant reporting and corporate requirements that come from Central Agencies. Given its small size and budget, these added reporting pressures have at times, contributed to delays in the case review process.

Outreach is also an important task of the ERC staff. This is done through the ERC website, its quarterly publication *Communiqué*, responses to requests for information, and ongoing training, meetings, and capacity building. Each year, the Committee receives a number of requests for information; some of these are simple, but others can be quite complicated and time-consuming. In 2007-08 for example, the ERC received 96 requests for information, with an average response time of four days. Without adequate

resources to respond to an increasing workload, ERC clients (the RCMP Commissioner and members) will not receive the high level of service they expect from the Committee.

Expenditure Profile

In the table below, the grey line represents the ERC's overall expenditure profile. The dotted line represents the first funding envelope secured in 2006-07 to address the critical backlog of cases at the ERC, which began to sunset in December 2008 and closes in 2011-12. The solid line represents the second funding envelope secured in 2007-08 to accommodate corporate management pressures, which closed at the end of the 2008-09 fiscal year. The priority for 2009-10 will be to stabilize the organization and capacity, while continuing to deliver on the mandate of the ERC.



Voted and Statutory Items

(\$ thousands)

Vote # or Statutory Item (S)	Truncated Vote or Statutory Wording	2008-09 Main Estimates	2009-10 Main Estimates
65	Operating expenditures	1,333	953
(S)	Contributions to employee benefit plans	152	121
	Total for the Committee	1,485	1,074

Section II - Analysis of Program Activities by Strategic Outcome

Strategic Outcome: The RCMP External Review Committee aims to positively influence the manner in which labour relations issues are addressed within the RCMP.

In order to work towards achieving its strategic outcome, the Committee carries on two program activities. A third program activity, Internal Services, is listed separately as part of new reporting requirements initiated by Treasury Board in an information bulletin dated July 23, 2008.

Analysis by Program Activity

Program Activity I: Independent and impartial case review

Human Resources (FTE's) and Planned Spending (\$ thousands)					
2009-10		2010-11		2011-12	
FTE's	Planned Spending	FTE's	Planned Spending	FTE's	Planned Spending
5.6	753	5.6	753	5.6	753
Program Activity Expected Results		Performance Indicators		Targets	
Parties and RCMP Commissioner are provided with an independent review of the dispute to facilitate transparent and accountable dispute resolution.		Percentage of cases where findings and recommendations are issued.		100%	
A body of findings and recommendations is created to assist RCMP Level I Adjudicators, concerned parties, RCMP Commissioner and staff representatives to interpret legislation, regulations and policy.		Number of times legislative, regulatory or policy interpretative guidance provided in findings and recommendations.		As required	
Identification of areas for legislative, regulatory or policy change/clarification.		Number of recommendations for change/clarification provided in findings and recommendations.		As required	

The Committee can dispose of matters referred to it by the RCMP Commissioner either on the basis of the material in the record or following a hearing. In conducting its review of the matters referred to it, the Committee attempts to achieve timeliness and quality in its recommendations, and a balance amongst the many complex and different interests involved. It strives to ensure that the principles of administrative and labour law are respected and the remedial approach indicated by the *RCMP Act* is followed. In each case, the Committee must consider the public interest and ensure that members of the RCMP are treated in a fair and equitable manner.

The Committee's focus on effectiveness and efficiency in both its case review process and management functions will assist it to achieve this result. The statutory mandate of the Committee in the *RCMP Act* is case review. It is in this respect that Program Activity 1 supports Priority 1.

Program Activity 2: Internal Services

Human Resources (FTE's) and Planned Spending (\$ thousands)					
2009-10		2010-11		2011-12	
FTE's	Planned Spending	FTE's	Planned Spending	FTE's	Planned Spending
1.6	214	1.6	214	1.6	214

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. These groups are: Management and Oversight Services; Communications Services; Legal Services; Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Services; Materiel Services; Acquisition Services; and Travel and Other Administrative Services. Internal Services include only those activities and resources that apply across an organization and not to those specifically to a program. Internal services are very important and support all program activities and priorities of the Committee.

Program Activity 3: Outreach and information dissemination

Human Resources (FTE's) and Planned Spending (\$ thousands)					
2009-10		2010-11		2011-12	
FTE's	Planned Spending	FTE's	Planned Spending	FTE's	Planned Spending
0.8	107	0.8	107	0.8	107
Program Activity Expected Results		Performance Indicators		Targets	
Make available information to the public on labour relations issues within the RCMP to support accountability and transparency.		Subscription levels for quarterly <i>Communiqué</i> ; subscription levels for annual report; Website traffic; volume of requests for information.		Ongoing	
Increase awareness of labour relations issues and resolutions within RCMP Policy.		Website access statistics; subscription and distribution data; number of requests for information; number of outreach events.		Ongoing	

The Committee ensures that its findings and recommendations in each case are clearly explained for the parties and the RCMP Commissioner. Summaries of the findings and recommendations in each case, as well as articles of interest on the role of the Committee, relevant legal principles and information on related issues, are distributed widely. Communication and outreach tools include: a quarterly publication (*Communiqué*), including the most recent case summaries, updates, and legal principles; a Website with timely inclusion of publications and case summaries; the annual report and other government accountability documents; and presentations, meetings, training and other outreach activities.

The Committee strives to make information available in a timely and accessible manner, with the objective of influencing in a positive way the RCMP labour relations environment, and contributing knowledge and ideas to the disciplines of administrative and labour law.

Part of the Committee work is dedicated to Program Activity 3, and in this way it supports Priority 2.

Planning Highlights

Operating Environment

The strategic outcome of the Committee is “*to aim to positively influence the manner in which labour relations issues are addressed within the RCMP*”. The Committee is an independent arms-length agency created under the *RCMP Act*. The focus of the Committee's work is the impartial, independent and timely review of RCMP labour relations cases referred to it and the timely issuance of findings and recommendations to the Commissioner of the RCMP.

As a very small agency, the Committee has one member who is both the Chair and Chief Executive Officer. She has been appointed by the Governor in Council for a term of three years, starting November 1, 2008. Under the *Act*, anyone who sits on the Committee cannot be a member or former member of the RCMP.

By law, the Committee's case review process starts when the RCMP Commissioner refers a case to it. The Committee itself cannot initiate a review without the referral from the Commissioner, which in turn is triggered by the member requesting a review of a decision. The cases that must be referred are described in the *RCMP Act* and include disciplinary appeals, discharge and demotion appeals and certain categories of grievances. When the Committee conducts a case review, it examines the entire record including: the original documents, the decision made, and the submissions of the parties. Where the review involves the appeal of a disciplinary decision, or a discharge and demotion decision, the transcript of the Adjudication Board hearing is also before the Committee, as well as any exhibits entered at the hearing. The Committee reviews all the evidence, legal issues, relevant legislation and judicial decisions in making its recommendation. After consideration of all the issues, the Committee provides findings and recommendations to the RCMP Commissioner, who is the final decision-maker. If the RCMP Commissioner decides not to follow the Committee recommendations, the law requires that the Commissioner provide an explanation for not doing so.

The expeditious handling of cases referred to the Committee is fundamental to maintaining its integrity and credibility, and in carrying out its statutory mandate. The Committee routinely deals with, and must respond to, significant fluctuations in workload, as it has no control from year to year over the number of cases that are referred to it. The Committee has adopted a number of case management practices to ensure that its review process is as expeditious as possible and to enhance the quality of its findings and recommendations. The Committee utilizes part of its term funding to ensure that one staff member is dedicated to the pre-screening process to identify and respond to issues early in the process. It continues to monitor internal practices to ensure more timely issuance of findings and recommendations to the RCMP Commissioner and the parties.

The Committee is committed to continuing with its quality case reviews and to expanding its ability to undertake reviews. Enhancing the case review process and developing a more robust infrastructure to support the Committee in meeting standards of excellence in its mandate of labour relations oversight and review are an on-going priority.

The Committee also performs an important outreach function. As part of this outreach function, the Committee issues a quarterly *Communiqué* which provides updates of findings and recommendations issued by the Chair, updates of decisions rendered by the Commissioner, and summaries of applicable Federal Court cases. The *Communiqué* also includes articles of interest which have been very well received for their educational role. These articles respond to trends and developments in labour relations that have particular interest to the members.

ERC staff meet with various RCMP stakeholders, including Professional Standards and External Review Directorate, Offices for the Coordination of Grievances, Level I Grievance Adjudicators and Adjudication Board members for disciplinary matters. The Committee also participates in the annual meetings and orientation seminars held by the members of the RCMP Staff Relations Representatives Program. Committee staff also inform themselves of the work done by members of the RCMP through visits to RCMP detachments and training centres, and have also engaged in training and orientation sessions with the RCMP.

The Committee is dedicated to continually improving its corporate management framework and infrastructure, which supports its legislative mandate, ensures accountability and sets out a shared vision of expected results. Initiatives are undertaken on an ongoing basis to enhance the Committee's practices, policies, frameworks and systems. Over the last several years, the Committee has experienced an increased workload stemming not only from a general increase in cases, but also due to a growing number of reporting and corporate requirements coming from Central Agencies. Even though the Committee is a very small agency, it must deal with added reporting pressures, yet it remains fully committed to implementing government priorities.

The priorities for the Committee's program activities in this planning period are described in more detail below. These include delivering on the statutory mandate; raising awareness through outreach; enhancement of its corporate management framework and infrastructure; and an ongoing investment in its people.

Planning Highlights by Priority

1. Continue to deliver on statutory mandate

The Committee's overriding priority continues to be to review cases and to make sound findings and recommendations to the RCMP Commissioner in an expeditious manner.

Within this context, the Committee strives for continuous improvement in its service delivery. It continues to examine ways to streamline its processes and to improve effectiveness in this area. The complexity of cases and resource issues related to the current volume of workload, continue to make it challenging to address case backlog. Longer term strategic planning and the streamlining of processes are planned to continue into the future.

The Committee must balance the dual role of exercising due diligence and meeting corporate demands without compromising its statutory requirement to review cases and to provide findings and recommendations to the RCMP Commissioner. The Committee continues to receive a significant number of, and often very complex, files. It continues to experience an increasing workload stemming from a growing number of reporting and corporate requirements from Central Agencies. The Committee is fully committed to delivering on its mandate, while ensuring it is compliant with federal government policies and legislation.

2. Raise awareness through outreach

Outreach activities remain a priority for 2009-2010. Outreach activities provide a number of important benefits to RCMP members, stakeholders and the public. The educational role the Committee plays in this regard contributes in a proactive way to a better understanding of grievance administration, discipline appeals, and discharge and demotion appeals. The Committee uses its publication *Communiqué*, its Website and Request for Information process to ensure that RCMP members have access to information on the process for presenting grievances and appeals, as well as similar past cases. To the extent that resources allow, Committee staff will also provide general information on its mandate directly at the detachment level via in-person visits.

The Committee will continue to provide key stakeholders (i.e. RCMP Adjudication Boards, Level I Adjudicators, Offices for the Coordination of Grievances; Member Representatives; Appropriate Officer Representatives, Staff Relations Representatives) with information on the process, findings and recommendations, including information which offers a precedential value and updates regarding applicable case law. In addition, the Committee will continue to provide formal training to these groups, when requested, and as resources allow. The Committee offers readily available insight into the RCMP grievance process, disciplinary appeals, and appeals of discharge and demotion through its Website and provides a concrete point for accessing information.

The Committee will also continue to engage the RCMP and other stakeholders on the issue of the strengthening of the Force's governance framework, particularly as it relates to the Committee's mandate in the area of labour relations.

3. Enhancement of the corporate management framework and infrastructure

The Committee remains committed to meeting government-wide management and accountability priorities. Following its Management Accountability Framework assessment, the Committee took action to improve its processes.

The priority for 2009-10 will be to stabilize the corporate management framework and infrastructure based on the resources available. Future steps will be undertaken to ensure that it has a renewed Memorandum of Understanding in place for Human Resources, Information Management and Technology and transactional financial support. The Committee will also ensure that it continues to work towards processes and systems that fully comply with government-wide policy. For example, compliance with the Management of Information Technology Security Policy (MITS) will be assessed in 2009-10 to ensure that the Committee has the appropriate action plan in place to preserve the confidentiality, integrity, availability, intended use and value of electronically-stored, processed or transmitted information.

In 2008-09, the Committee celebrated its 20th Anniversary. This important milestone provided a timely opportunity to evaluate its service quality and identify potential opportunities for improvement. The Committee developed a multi-year evaluation plan, and will continue the phase work in 2009-10 based upon news from the government's response to the Task Force Report.

4. Continue to invest in our people

HR Modernization has changed the way government hires, manages and supports its public service employees. The Committee places a priority on integrating the vision and intent of HR Modernization into its day-to-day activities. In 2009-10, the Committee will continue to provide time and resources towards training and education that enhance existing skills and contribute toward the current capacity building that has already started, and longer term career objectives of staff. The Committee will also continue to hold regular staff meetings and ensure multiple approaches to encourage collegiality, dialogue and discussion. It will consult staff and seek their input on workplace policies and practices. An ongoing priority for the Committee will be to ensure that indeterminate and temporary positions within the Committee are filled. Last but not least, the Committee will work with the Canada Public Service Agency and other central agencies to ensure a higher level of knowledge about staffing and staffing strategies at all levels of the organization.

Section III - Supplementary Information

References

RCMP External Review Committee P.O. Box 1159, Station B Ottawa, ON K1P 5R2 Tel: 613-998-2134 Fax: 613-990-8969 Website: www.erc-ccc.gc.ca E-mail: org@erc-ccc.gc.ca	<u>RCMP External Review Committee Annual Reports</u> <u>RCMP External Review Committee Communiqué</u>
---	--